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From: Greg Lovato
Sent: Tue 12/19/2017 4:02:52 PM
Subject: Anaconda Tribal MOU

Alexis and Sylvia,

I am meeting with our team today to review status of the Tribal MOU and the results of their discussion with EPA yesterday. I understand we still have a few items to resolve related to Tribal "meaningful participation", the definition of the Site as it relates to Tribal land, and the availability and timing of tribal government to government consultation with EPA on issues off Reservation land.

My recollection from our recent discussions with EPA is that the plan is to get the Tribal MOUs in a form that both EPA and NDEP consider ready to sign, and then to engage the Tribes in a final briefing and allow some time for them to consider the Deferral Agreement and MOU before we sign the Deferral Agreement. Since the Tribes communicated clearly on September 28 that they were not interested in negotiating the MOU I am wondering if this is the right course of action. Alternatively, if we offer them some nominal period of time to consider that is less than 60 days, they will likely object to being rushed.

I will be in touch soon and I hope your discussion with ARC on past costs and termination of orders is productive.

Greg